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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

IRENE VIDRINE HANCHEY, ET AL. : CIVIL ACTION NUMBER

VERSUS : 05-0002

BROWN & WILLIAMSON TOBACCO CORPORATION, ET AL. : JUDGE TRIMBLE
MAGISTRATE JUDGE WILSON

JUDGMENT

On September 1, 2005, the court issued an order wherein it was noted that: this case was eight months old, there was no return of service as to defendant, Batus, Inc., and that the court was considering dismissing said defendant. Plaintiffs were allotted 11 calendar days to serve said defendant, or to provide good cause for their inability to do so.

As of today, there is no indication in the record that said defendant has been served, nor have plaintiffs explained to the court their failure to serve said defendant. Since more than 120 days have elapsed without service of process having been perfected or return of service filed in the record, it is ordered that plaintiffs' claims against Batus, Inc. be, and they are hereby DISMISSED, without prejudice. LR 41.3W, Fed.R.Civ.P. 4(m). Said defendant may be reinstated upon good cause shown during the next thirty (30) days from today.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 20th day of September, 2005.


JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE